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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,678	06/19/2006	Renee Boerefijn	C7755(V)	4499

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EXAMINER

ASDJODI, MOHAMMAD REZA

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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01/25/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/583,678	Applicant(s) BOEREFIJN ET AL.	
	Examiner M. REZA ASDJODI	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/09 has been entered.

This Office action is in response to Applicant's amendment filed August 27, 2008. Applicant has amended claims 1,-3, 5, 9, and 13. Currently, claims 1-15 remain pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Velazquez et al. (US 6, 458,754 B1).

Regarding claims 1-3, 6, and 8, Velazquez et al. teach an enhanced perfume particles and detergent composition comprising: a granulate detergent particles with functional core of deterative agents; [8: 35-40, 9: 36-40], softener by the amount of 0.0-80%; [9: 50-59], and solid ingredients such as surfactants and builders; [9: 20-60], wherein the coated granule comprises 0.01-50% of encapsulated perfume (HIA); [9: 21-25], and composition could, also, comprise un-encapsulated perfume; [3: 5-12].

Note: According to limitation of claim 1-b, the weight percent of an outer layer comprising encapsulated perfume is up to 10%, wherein this limitation is construed as including the 0% as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez et al. (US 6, 458,754 B1), in view of Weldes et al. (US 3,783,008), taken with Southwest Research Institute 1999 report On Encapsulation.

Regarding claims 1-3, 5, 6, and 8, Velazquez et al. teach an enhanced perfume particles and detergent composition comprising: a granulate detergent particles with functional core of deterative agents; [8: 35-40, 9: 36-40], softener by the amount of 0.0-80%; [9: 50-59], and solid ingredients such as surfactants and builders; [9: 20-60],

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wherein the coated granule comprises 0.01-50% of encapsulated perfume (HIA); [9: 21-25], and composition could, also, comprise un-encapsulated perfume; [3: 5-12].

With respect to claim 1, Velazquez et al. do not, explicitly, teach the detergent granulate itself, also, being encapsulated. However, Weldes et al. teach a preparation process for coated detergent granule comprising cleaning material and perfumes; [abstract, 1: 29]. Weldes et al. and Velazquez et al. are analogous art because they are from the same field of endeavour, that of fabric treatment compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize the encapsulation (or coating) of granulated detergent composition of Weldes with the motivation of a material delivery with more stability and longer life time as evidenced by Weldes et al., and furthermore, by Southwest research report on coating of detergents with encapsulated benefit agents (i.e. perfume).

Note: According to claim 1-b, the outer layer comprising encapsulated perfume could indeed be 0%

Claims 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez et al. (US 6, 458,754 B1), and Weldes et al. (US 3,783,008), as applied to claim 1 above, and further in view of Walley et al. (US 5,066,419).

Regarding claims 4, and 7, Velazquez et al. teach the basic granular detergent composition (including builders by the amount of 50-99%; [11, 62-63, 12: 29]) as set forth for claim 1 above.

With respect to claim 4, Velazquez et al. do not teach the coating material such as formaldehyde. However, Walley et al. teach a coated perfume particles coated by melamine-urea-formaldehyde; [4: 59-65]. Walley et al. and Velazquez et al. are

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analogous art because they are from the same field of endeavour, that of fabric treatment compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use perfume encapsulating material of Walley, melamine-urea-formaldehyde, for Velazquez et al.'s composition, with the motivation of timely release of perfumes during the washing cycles, as evidenced by Walley et al.

With respect to claim 7, Velazquez et al. do not teach linear alkyl benzene sulfonate. However, Walley et al. teach a granular laundry detergent comprising linear alkyl benzene sulfonate by the amount of 7.5%; [11: 42]. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use alkyl sulfonate surfactant of Walley in Velazquez et al.'s composition, with the motivation of enhancing its deterative properties, as evidenced by Walley et al.

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velazquez et al. (US 6, 458,754 B1), in view of Weldes et al. (US 3,783,008), and Walley et al. (US 5,066,419), taken with Southwest Research Institute 1999 report On Encapsulation.

Regarding claims 9-12, and 13-15, Velazquez et al. teach a process for making a granular detergent; [10: 1-40], providing softener; [9: 50-59], and solid ingredients such as surfactants and builders; [9: 20-60], wherein the composition comprises unencapsulated perfume; [3: 5-12], admixed with one or more solid ingredients; [9: 20-60], and coated granules are granular; [9: 55-62].

With respect to claim 9, Velazquez et al. do not specifically teach spraying detergent with slurry to form a coated granulate. However, Weldes et al. teach a preparation process for a coated detergent granule wherein the slurry is sprayed for

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coating detergent. Weldes et al. and Velazquez et al. are analogous art because they are from the same field of endeavour, that of fabric treatment compositions; [3: 54-60, 4: 43]. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize Weldes's method for coating the granulate detergent with encapsulated perfume slurry with the motivation of simplicity and cost effectiveness. The application of encapsulated benefit agents as a coating in variety of products are further evidenced by Southwest research report on coating of detergents with encapsulated benefit agents (i.e. perfume).

With respect to claims 11 and 12, Velazquez et al. do not, specifically, teach viscosity modifier and presence of initial slurry in the process of preparation. However, Walley et al. teach a viscosity modifier such as carboxymethyl cellulose (also indicated in the specification of this application); 10: 52], and a process of preparing coated perfume particles for coating including slurry and spraying steps; [10: 5-65]. Walley and Velazquez are analogous art because they are from the same field of endeavour, that of fabric treatment compositions containing encapsulated ingredients. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize Walley's viscosity modifier and method with the motivation of optimizing the preparation process of cleaning composition.

With respect to claim 12, Velazquez et al. teach a process for making a granular detergent using Shugi Granulator under trademark of "Lodige KM600 Mixer. This equipment is capable of operating in a low and medium shear mixing condition (as evidenced by US 5,736,502).

Response to Arguments

Applicant's arguments filed 12/15/09 have been fully considered but they are not persuasive.

A- In response to applicant's argument that: "the process of Velazquez et al. will not give the claimed layered granulates of present invention (pg.5, paragh.3)": I)- It seems that applicant's interpretation of Velazquez et al. is different than that of the Office. Velazquez et al. teaches that : "in another mode, an aqueous slurry comprising the desired formulation ingredient is sprayed into a fluidized bed of particulate surfactants; [10: 34-40]. If it is agreed, that the encapsulated perfume is a desired ingredient of Velazquez et al., then it follows that: II)- Also, Velazquez et al. in claim 11 (which is dependent on claim 7 and 4) indicates very clearly that perfume (encapsulated) is sprayed (slurry before spraying) onto the surface of detergent composition. The Office clearly interprets that at least a good portion of coated detergent of Valezquez et al. is made of encapsulated perfume, and this is evident from Valezquez's teachings as acknowledged, tentatively, by the applicant; [page 5, Parag.3, line 6].

B- In response to applicant's argument that: "the Weldes do not teach an encapsulated perfume": Weldes is essentially teaching a coated detergent (by a slurry) with ingredients that includes perfume as well. A mere addition or subtraction of a component in a list of ingredient does not render the claims of instant application patentable; [1:59, 4: 34-45].

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Milton Cano can be reached on 571-272-1398. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MILTON I. CANO/
Supervisory Patent Examiner, Art Unit 1796

/M. R. A./
Examiner, Art Unit 1796
01/11/09